ORDINANCE NO. 2000 - 050

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING THE **FUTURE LAND USE ELEMENT** (TO ESTABLISH A LAKE OKEECHOBEE SCENIC TRAIL OVERLAY); MODIFYING THE **FUTURE LAND USE ATLAS** (FLUA) FOR THE **LAKE OKEECHOBEE SCENIC TRAIL OVERLAY**, INCLUDING PAGES 119, 128, 131, AND 132 OF THE FLUA TO ADD THE BOUNDARIES OF THE LAKE OKEECHOBEE SCENIC TRAIL OVERLAY, GENERALLY LOCATED BETWEEN THE HERBERT HOOVER DIKE AND 250 FEET SOUTH OF U.S. 27, OR BETWEEN THE HERBERT HOOVER DIKE AND 250 FEET EAST OF CONNERS HIGHWAY); AMENDING THE **MAP SERIES** (TO ADD THE LAKE OKEECHOBEE SCENIC TRAIL OVERLAY TO THE SPECIAL PLANNING AREAS MAP); AND AMENDING ALL ELEMENTS AS NECESSARY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE 1989 COMPREHENSIVE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17; and

WHEREAS, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners have initiated amendments to several elements of the Comprehensive Plan in order to promote the health, safety and welfare of the public of Palm Beach County; and

WHEREAS, the Palm Beach County Local Planning Agency conducted its public hearings on June 9 and 16, 2000 to review the proposed amendments to the Palm Beach County Comprehensive Plan and made recommendations regarding the proposed amendments to the Palm Beach County Board of County Commissioners pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners, as the governing body of Palm Beach County, conducted a public hearing pursuant to Chapter 163, Part II, Florida Statutes, on July 12, 2000 to review the recommendations of the Local Planning Agency, whereupon the Board of County Commissioners authorized transmittal of proposed amendments to the Department of Community Affairs for review and

comment pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, Palm Beach County received on October 4, 2000 the Department of Community Affairs "Objections, Recommendations, and Comments Report," dated September 29, 2000 which was the Department's written review of the proposed Comprehensive Plan amendments; and

WHEREAS, on December 6, 2000 the Palm Beach County Board of County Commissioners held a public hearing to review the written comments submitted by the Department of Community Affairs and to consider adoption of the amendments; and

WHEREAS, the Palm Beach County Board of County Commissioners has determined that the amendments as modified satisfy the concerns addressed in the Department of Community Affairs' "Objections, Recommendations and Comments Report" and comply with all requirements of the Local Government Comprehensive Planning and Land Development Regulations Act.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

Part I. Amendments to the 1989 Comprehensive Plan

Amendments to the following Elements of the 1989 Comprehensive Plan are hereby adopted and attached to this Ordinance in Exhibit 1:

A. **Future Land Use Element**, to establish a Lake Okeechobee Scenic Trail Overlay;

B. **Future Land Use Atlas, including pages 119, 128, 131** and **132** are amended as follows:

Application No.:	**00-2 (Lake Okeechobee Scenic Trail Overlay);**
Amendment:	To add the boundaries of the Lake Okeechobee Scenic Trail Overlay;
General Location:	Between the Herbert Hoover Dike and 250 feet south of U.S. 27, or between the Herbert Hoover Dike and 250 feet east of Conners Highway;

C. **Map Series**, to add the Lake Okeechobee Scenic Trail Overlay to the Special Planning Areas Map;

D. Amending all elements as necessary for internal consistency.

Part II. Repeal of Laws in Conflict

All local laws and ordinances applying to the unincorporated area of Palm Beach County in conflict with any provision of this ordinance are hereby repealed to the extent of such conflict.

Part III. Severability

If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by the Court to be unconstitutional, inoperative or void, such holding shall not affect the remainder of this Ordinance.

Part IV. Inclusion in the 1989 Comprehensive Plan

The provision of this Ordinance shall become and be made a part of the 1989 Palm Beach County Comprehensive Plan. The Sections of the Ordinance may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

Part V. Effective Date

The effective date of this plan amendment shall be the date a final order is issued by the Department of Community Affairs or Administration Commission finding the amendment in compliance in accordance with Section 163.3184, Florida Statutes, whichever occurs earlier. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made

effective by adoption of a resolution affirming its effective status, a copy of which resolutions shall be sent to the Department of Community Affairs, Bureau of Local Planning, 2555 Shumard Oak Boulevard Tallahassee, Florida 32399-2100.

APPROVED AND ADOPTED by the Board of County Commissioners of Palm Beach County, on the 6 day of December, 2000.

ATTEST:
DOROTHY H. WILKEN, Clerk

By: Joan Havens
Deputy Clerk

PALM BEACH COUNTY, FLORIDA,
BY ITS BOARD OF COUNTY COMMISSIONERS

By W. Foley
Chair

BOARD OF COUNTY COMMISSIONERS PALM BEACH COUNTY FLORIDA

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

COUNTY ATTORNEY

Filed with the Department of State on the 12th day of December, 2000.

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EXHIBIT 1

A. **Future Land Use Element**, Lake Okeechobee Scenic Trail Overlay

REVISIONS: To establish a Lake Okeechobee Scenic Trail Overlay. The revisions are numbered below, and shown with the added text underlined, and the deleted text ~~struck out~~.

1. **NEW SUB-OBJECTIVE 1.6.3** **Lake Okeechobee Scenic Trail Overlay**

The purpose of the Lake Okeechobee Scenic Trail Overlay is to increase job opportunities and improve the economic vitality of the area by supporting the development of tourist-related facilities in conjunction with the Lake Okeechobee Scenic Trail, a segment of the Florida National Scenic Trail atop of the Herbert Hoover Dike.

2. **NEW Policy 1.6.3-a:** The Lake Okeechobee Scenic Trail Overlay (LOST-O) includes the area shown on the Future Land Use Atlas outside the Urban/Suburban Tier located between the Herbert Hoover Dike and 250 feet South of U.S. 27, or between the Herbert Hoover Dike and 250 feet East of Conners Highway.

3. **NEW Policy 1.6.3-b:** The LOST-O shall accommodate uses such as inns, cabins, restaurants, and trail outfitters (e.g. bicycle and boat rentals) which support outdoor recreational activities. Within the Overlay, such tourist-related uses shall be allowed in all Future Land Use designations.

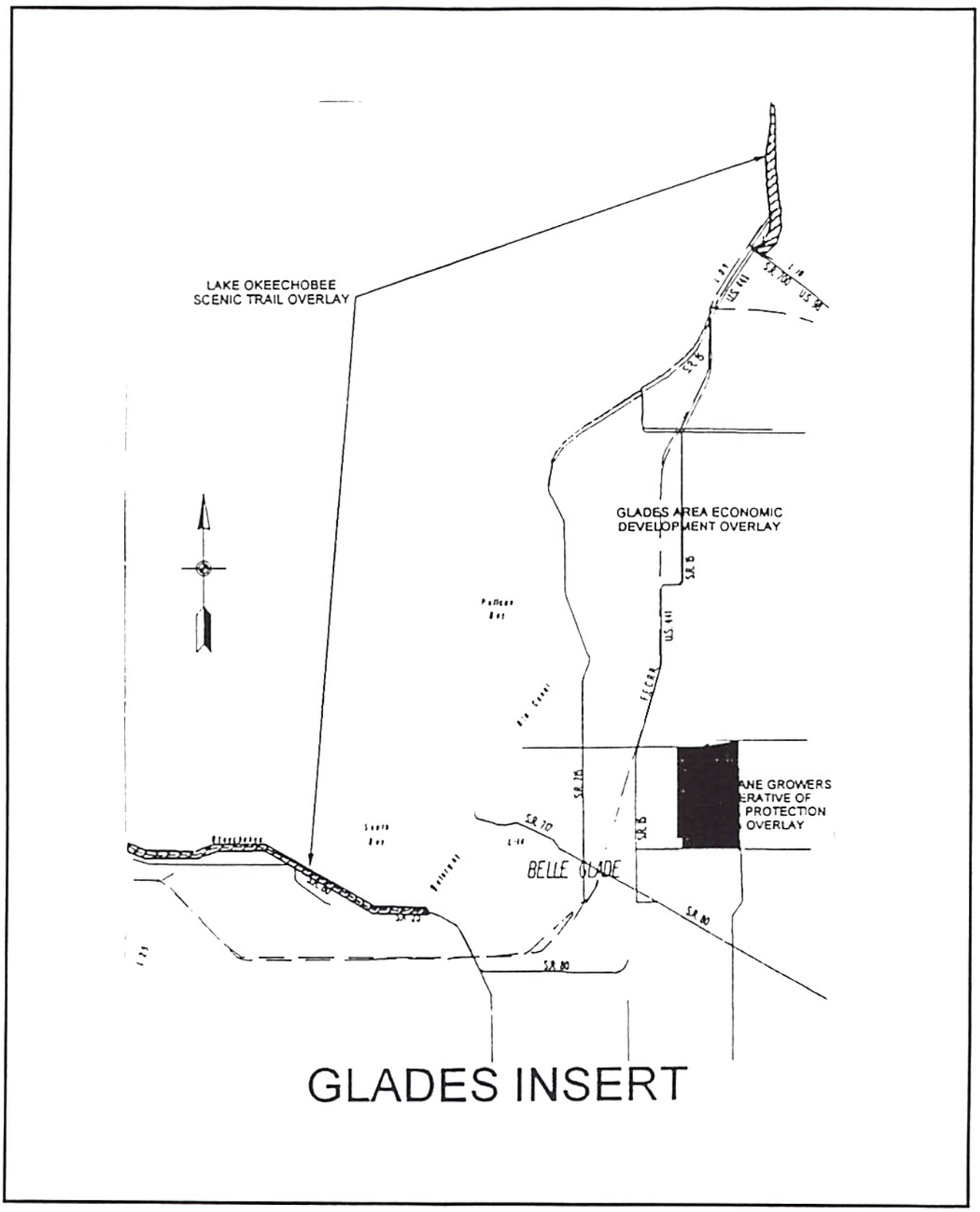
4. **NEW Policy 1.6.3-c:** Only properties which represent a lot of record as of December 31, 2000, at least 50% of which lies within the LOST-O, may utilize the provisions of the LOST-O.

B. **Future Land Use Atlas**, Lake Okeechobee Scenic Trail Overlay

REVISION: Revise the FLUA, including pages 119, 128, 131 and 132 to add the boundaries of the Lake Okeechobee Scenic Trail Overlay. The general location is the area outside the Urban/Suburban Tier located between the Herbert Hoover Dike and 250 feet South of U.S. 27, or between the Herbert Hoover Dike and 250 feet East of Conners Highway, which is consistent with the revised Special Planning Areas map in Exhibit 1-C of this ordinance.

C. **Map Series**, Special Planning Areas map, Map LU 3.1

REVISION: To add the boundaries of the Lake Okeechobee Scenic Trail Overlay to the map.



STATE OF FLORIDA, COUNTY OF PALM BEACH
I, DOROTHY H. WILKEN, ex-officio Clerk of the
Board of County Commissioners certify this to be a
true and correct copy of the original filed in my office
on December 19, 2000
DATED at West Palm Beach, FL on 12/19/00
DOROTHY H. WILKEN, Clerk
By: Diane Brown D.C.